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ADDRESS
OF
HENRY H. SIBLEY,
OF MINNESOTA TERRITORY,
TO
HIS CONSTITUENTS.

FELLOW CITIZENS:

The Thirty-first Congress has closed its labors, and in continuation of the system adopted by me, I proceed to chronicle those events that have transpired here within the last three months, which are connected more or less with the interests of our Territory. There is, in my judgment, a manifest propriety, if not an indispensable necessity, that such a communication should be made by the Representative to his Constituents at stated periods, especially when they reside, as you do, in a region so remote from the Capital of the Nation, as not to possess those means of information with reference to the action of the different departments of the Government, which are enjoyed by communities less distant. And as it is but a reasonable supposition, that no individual who is judged worthy of a seat in the Halls of Congress would attempt to impose representations upon those who elected him, not strictly in accordance with facts, the issue of such a circular as this is intended to be, will always contribute to the historical records of the Territory, some information relating to current events, that cannot be obtained from any other source.

It is well known to all of you that strenuous exertions were made here during the past winter to effect the removal of certain territorial officers. Not believing it to be the wish of the people that such efforts should be successful, I deemed it my duty to counteract them if possible, and thus far no displacement of any official has taken place. Whenever the dismissal of an individual occupying a station of public trust, is demanded by the general voice, because of gross incapacity, official corruption, or other good reason, I shall consider it to be incumbent upon me to use

all proper means to bring about such a result, so long as I retain my present position as a Delegate. In the cases referred to, I had not the evidences in my possession to justify me in arriving at any such conclusion.

The bill to authorize the President to purchase the half-breed tract at lake Pepin has failed in the Senate, owing to misrepresentations as to the value of the land and other causes. This will retard the settlement of the fine country on the west of the Mississippi. An amendment was offered to require the President to divide the grant among the claimants under certain restrictions, but it was introduced at too late a period of the Session to afford the least prospect of success. A measure framed upon some such principle, will doubtless meet the sanction of Congress at its next session, which is the only alternative presented, as no hope can now be entertained of an appropriation of money being made for the purchase of the lands in question.

The reduction of the Military Reserve at Fort Snelling has been an object to which my best efforts have been directed, but without avail, as it was met with the most determined opposition on the part of the War Department. The great anxiety expressed by the people to have these fine lands thrown open to public sale, and the manifest absurdity of retaining a reservation between thirty and forty miles in circumference in the very heart of the Territory, as an unproductive and useless appendage to a small military post, led me to believe that the Department would cheerfully concur in the action of Congress, by which its limits would be curtailed to a space of one mile square, as prescribed in the Senate bill. The result showed that I had been egregiously mistaken. The bill, after its passage by the Senate, was reported to the House, and after being read twice, was referred to the Committee on Public Lands, by which it was reported back with a favorable recommendation; and after being discussed with much warmth, was re-committed, on my motion, to the Committee on Military Affairs, where it was *smothered*, because of the remonstrances of the Secretary of War against any curtailment of the boundaries of the Reserve. In order to obviate all objection to the bill, I addressed a communication to the chairman of the Military Committee, proposing that the entire lands should be exposed to public sale, without any regard to the claims of settlers, as all private interests must give way, to the accomplishment of an object so important to the general prosperity of the Territory. I procured letters to be written also, by Inspector General Churchill of the Army, and by Capt. Eastman, so long stationed at Fort Snelling, both of whom expressed their decided conviction, that the proposed mile square would be more than sufficient for garrison purposes. Notwithstanding these and many other appliances were brought to bear in the proper quarter, the Secretary of War remained inexorable, entrenching him-

self behind the decision of his predecessor, based upon the reports of Brigadier General Mason and Brevet Major Woods, in which they strongly urged upon the Department, to permit no change to be made in the lines of the reservation as they now exist. The unexpected failure of this measure will be a great disadvantage to Minnesota, and occasion disappointment to many citizens who are desirous of locating themselves upon these lands. It remains for the Legislative Assembly and the people to take such measures to sustain the Delegate in pressing the subject before Congress at its next Session, as they may judge proper and expedient.

In view of the fact that we had received very heavy appropriations of money from Congress at its previous meeting, I did not think it advisable or judicious to tax its liberality by making large demands during the Session just closed. But inasmuch as the Engineer Bureau had estimated for the sum of \$75,000, to continue the construction of roads in our Territory, which had been commenced under the act of July 18, 1850, I did not deem it proper to withhold my aid under the circumstances, although the appropriation was asked for contrary to the dictates of my own judgment. When the estimates were taken up for consideration, by the Committee of Ways and Means of the House, I appeared before it, and urged the importance to our Territory of granting the required sum, and the Committee, by a close vote, decided to allow it, and report upon the items favorably to the House. They were therefore appended to the Army Bill, and unfortunately for us the House had previously decided to reduce the appropriations for that branch of the service to the lowest point. After an exciting debate, the report of the Committee of Ways and Means which recommended a very large curtailment of the estimates of the War Department, was accepted, but all the items for surveys, roads, and light-houses, which had been appended to the same bill, were excluded also, with the exception of two or three. So that the \$75,000 appropriation was stricken out with the rest. Had the sum been placed in the Civil and Diplomatic bill where I wished it to be, there is good reason to believe that it would have passed the House, but it would probably have been rejected by the Senate—at least such the Members of that body friendly to our Territory feared would be the result. I consulted with the true and tried friends of Minnesota, Hon. S. A. Douglas and the Senators from Iowa and Wisconsin, as to the expediency of an attempt to replace in the Senate the single appropriation of \$15,000 for the road from Point Douglas to Lake Superior; and as they were all of the opinion that it would be useless, I concluded to take no action in the matter, but to defer it until the meeting of the next Congress.

Being aware that the clerical force allowed to the Legislative Assembly was less than it should be, I offered a bill in the House,

providing for an additional clerk in each branch thereof, which has since passed and become a law. Also a bill to authorize the Territorial legislature to take charge of the school lands, with a provision securing to those who had unwittingly settled upon them previous to their being surveyed, the benefit of the existing pre-emption laws, and granting to the Territory an equal quantity of land of good quality in lieu thereof; also, a third section, bestowing upon Minnesota two townships of land, for the support and endowment of a University. The bill passed, after the House had stricken out the second section, notwithstanding all my efforts to have it retained; so that any man who establishes himself upon what subsequently proves to be a school section, is deprived of all protection, and must necessarily lose his improvements and homestead, unless some action of another Congress shall place him upon the same platform with other settlers. There is really no good reason why a person who has expended his labor upon lands, which upon being surveyed, are found to be within a 16th or 36th section, shall not be secured in the enjoyment of his possessions. To deprive him of them, is to violate all the usages under the operation of which the mighty West has so rapidly advanced in population and wealth; and I do not believe that a single citizen of Minnesota would raise his voice in behalf of an invidious system, which would, in effect, confiscate the property of a poor settler, because he has unknowingly made his home upon lands set apart for the use of schools. The sections reserved for that purpose should, after having been ascertained by survey, be guarded as a sacred and invaluable trust, to be applied to no other than purposes of education, but whether they are the particular tracts designated by the organic law, or others of equal value, is comparatively unimportant. The land laws in operation in Oregon, place all settlers upon an equal footing, as they should be, whether they are found after survey upon the 16th or other sections.

The munificent donation of two townships of land for the support of a University, we had but little right to expect, inasmuch as there had already been reserved by the organic act, twice the quantity of land heretofore allowed the Territories for the use of schools. Let us hope that they will be so disposed of, as most certainly and effectually to subserve the sublime object for which they were bestowed.

It gives me pleasure to be able to say that the bill granting ten millions of acres of the public lands to the States, for the support of the indigent insane, which passed the Senate, has failed in the House. We all have as much sympathy for the wretched beings for whose benefit the grant was intended, as can be felt by any community, but it was too much to expect of us, that we should be willing to fix such a curse on Minnesota as this bill would have been if successful, because the proceeds of the donation

were to be applied to alleviate the distresses of an afflicted class. The bill provided that the lands should be apportioned among the States in the compound ratio of their area and representation ; that such as had suitable public lands within their own limits, should receive their allotted portion therefrom, *but no State should be allowed to select land within another State, but must go to the Territories for that purpose* ; that such lands should be sold under the management and direction of the State owning it, but not for a less sum than the minimum price of the public lands, and *as much more* as the State could secure. There was a provision to be sure, that the right of pre-emption should enure to the settlers thereon, but this was so trammelled by other stipulations of the bill as to render it of little real value. The whole scheme was so objectionable, that I determined, in connection with the Oregon delegate, to adopt every proper means to defeat it in the House. We labored without ceasing to bring about this result, and we owe it to the unyielding support of a gallant minority, who refused their assent to such a plan of spoliation, that the measure was delayed at a critical period near the close of the Session, when to defer action upon it was equivalent to its defeat ; and in this manner were the efforts of a decided majority thwarted and rendered nugatory. If the bill had passed, some five or six of the States only, would have been content to take lands of a *suitable* quality within their own boundaries, and where would the others have fixed upon to locate the tracts allotted to them ? Certainly not in New Mexico, nor in Utah, nor hardly in Oregon, but the fertile plains of our own Minnesota would have been absorbed by this abominable system of land distribution ; and we should have been subjected to the caprice and conflicting legislation of more than twenty owners of our soil not only, but to all the evils which would inevitably have been entailed upon us, in the shape of litigated land titles, inseparable from such an anomalous state of things. That you may satisfy yourselves that these fears were not groundless, I append the three first sections of the bill to this address for your perusal.

Fellow-citizens ! I have dwelt upon this subject at length, because I regard it to be of the utmost importance to our Territory, and to those who are seeking a home in our midst. And as it cannot be said of this bill, that "he that dies this year is quit for the next," I warn you that there is danger which must be met and overcome. Its warm advocates have boasted, that the next session of Congress will witness the enactment of this same measure into a law of the land ; and as upon a call for a suspension of the rules, requiring a two-third vote in the House, there appeared one hundred and twelve for, and only sixty-eight against it, you will learn the strength of the majority in its favor, and how narrow was the escape we have had from this outrageous scheme. The Legislative Assembly should remonstrate, and the

people also, against a renewal of the attempt to victimize Minnesota in this cruel manner. They have a right to do so, for when Congress organized our Territorial government, and invited immigration thither, it bound itself tacitly, but strongly, to secure to the people, all and singular, the benefits and privileges bestowed upon other Territories heretofore existing. That obligation will be set at naught, if we are to be subjected to the operation of a measure, which will carry in its train, ruin to our present bright prospects.

Minnesota already labors under disadvantages, from which Oregon, Utah, and New Mexico are free. While in those Territories, settlements are allowed to be made at any and every point, without regard to the possessory rights of the Indian tribes, our people are prohibited from taking possession of lands to which the Indian title remains unextinguished, and they are thus confined to an area utterly insufficient in extent to meet their wishes and their wants. It is a fact that to this day, there is not a single acre of ceded land in either of the two first mentioned Territories. While it is alike creditable to the Government and to the people of Minnesota, that the Indian tribes therein have been left in the undisturbed enjoyment of their usufruct rights, we may reasonably hope that the day is near at hand when the purchase of those rights by the Government will take place, and the interests of the aboriginal possessors at the same time amply secured. The delay in effecting these negotiations has greatly retarded the prosperity of the Territory. Thousands of people in all parts of the country are awaiting the consummation of a treaty with much anxiety, in order to become citizens of Minnesota.

The result of the late census has had an unfavorable effect in Congress. I have never conceded the correctness of that enumeration, for I do not believe that the Territory contained but a population a little exceeding six thousand souls, in the month of June last. However that may be, the official returns show but that number, and many Members of Congress have expressed to me their surprise, that after having received appropriations at the previous session, equal in the aggregate to nearly twenty dollars for each man, woman, and child of our population, I should be found so soon thereafter importuning that body for as much more.

I will state for the information of those among you, who are applicants for the benefits of the bounty land law of the 28th September last, that some weeks or months will necessarily elapse before the warrants can all be prepared and issued. The act making these warrants assignable, having been passed by the House, was sent to the Senate and passed by that body also, but with some slight amendment, which was fatal to the bill, for it was not reached by the House in the regular order of business, the Senate having retained it until the last day of the session.

I addressed a communication some time since to Col. Abert, who is at the head of the bureau having the construction of our roads in charge, urging him to instruct the civil engineer now in the Territory, to lay out those on the east of the Mississippi, and place them under contract, before the roads on the west of the river are commenced. I trust he will comply with my suggestion.

It is proper for me to say to those of you who have not received documents, that some of my good friends who promised to despatch the list of voters to me here, have neglected to do so, much to my disappointment and chagrin. To make amends for this omission, so far as it is now possible, I have directed a large number of the agricultural portion of the Patent Office Report, and some other documents, to be sent to my address at Mendota, from which point they will be distributed to those whose names are not included in the roll already in my possession, so soon as they shall be received.

Complaints having been made of irregularities in the transmission of the mails on some of the lines in our Territory, I have endeavored to have these evils remedied, and to increase mail facilities generally. Several new post offices have been established, and the Postmaster General has consented to double the service on the main route between Prairie du Chien and St. Paul, during the season when the navigation is closed, so as to ensure a regular semi-weekly mail throughout the year.

In concluding this hasty and familiar communication to you, fellow-citizens, I will remark, that although some important measures, in which we were all interested, have failed to receive the sanction of Congress, yet taking into consideration all that has been done for the Territory by that body, we must admit that we have been liberally dealt with, and have but little cause for complaint. We have every reason to anticipate, likewise, that the next Congress will exercise a paternal care over our interests, and will not allow our onward course to be interrupted by any obstacles, which it can consistently remove.

You have my warmest thanks for having reelected me as your Delegate to the Thirty-second Congress, during my absence from the Territory in your service, and I can manifest my gratitude in no more appropriate manner, than by continuing to labor constantly and faithfully, to advance the permanent prosperity of our beautiful Minnesota.

Your fellow-citizen,

H. H. SIBLEY.

WASHINGTON CITY, *March 4, 1851.*

SENATE BILL, No. 349.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be granted to the several States, for the purposes hereinafter mentioned, ten millions of acres of land, to be apportioned under the direction of the President of the United States, in the compound ratio of the geographical area and representation of said States in the House of Representatives, according to the census of one thousand eight hundred and fifty: *Provided,* That the area of no State shall be computed at more than 50,000 square miles.

SEC. 2. *And be it further enacted,* That the lands aforesaid, after being surveyed, shall be apportioned to the several States in sections and subdivisions of sections, and whenever there are lands of suitable quality in a State, the quantity to which said State shall be entitled shall be selected from such lands, and the quantity apportioned to any State in which there are no such lands shall be located in the territory belonging to the United States, and not within the limits of any State, to which the Indian title shall be extinguished; and it shall be the duty of the States to offer the said lands for sale immediately, and to complete the same at the earliest practicable day: *Provided,* That the said lands shall not be sold at a less price per acre than the minimum price of the public lands, and that they be subject to the right of preëmption, like the said public lands: *Provided, also,* That the lands hereby granted shall be taken from such portion of the public lands as shall be subject to entry at private sale at the time of the selection,

SEC. 3. *And be it further enacted,* That whenever the apportionment of said lands shall be completed, patents shall be issued to the several States for the portions which shall be allotted to them respectively, and thereupon the said States shall assume the management and sale of the lands thus apportioned to them.